

Defining the Concept of Client-Centered Legal Services – Models from Missouri

Attorneys in Legal Services Agencies represent individuals who must interact with social service agencies and the legal system in order to obtain their most basic needs – food, housing, protection from domestic violence, and life saving health treatments. The very process of having to go through that interaction places the individual in a less powerful position than most individuals who seek civil legal assistance from the private bar. Legal Service Agencies continually strive to provide services that recognize client dignity and foster independence. Advocates for persons “dis-empowered” by the service delivery system in other arenas have also struggled with ways to ensure or “institutionalize” client empowerment in all aspects of service delivery.

Some strategies focus on sharing power with the provider. For example, parents of children with special health care needs advocated for federal legislation to use the words “family-centered” to describe the services that state Title V Maternal and Child Health Programs must provide.¹ Some disability advocates have embraced this concept of power sharing by requiring programs to be “consumer-based”.² Other disability advocates use the terms “consumer-driven” or “customer-designed” to describe new models of service delivery that attempt to shift more control to the consumer.³ The Ticket to Work and Work Incentives

¹ The programs then emphasized the “partnership” between families of children with special health care needs and health professionals. See Title V of the Social Security Act.

² These programs often ensured that “consumers” comprised more than 50% of the advisory board or board of directors. See Technology-Related Assistance for Individuals with Disabilities Act of 1988, as amended.

³ This may mean that the individual determines the array of services they need and within limits, the entity provides the services to them. See, “Guidebook to Customer Designed Services: a Resource for Developing a Comprehensive System of Service Delivery for People with Disabilities”, Spring 1999, Developed by: Iowa Self-Determination Project of the Iowa Department of Human Services through the Robert Wood Johnson Foundation and the Customer Designed Services Project of the Iowa Governor’s Developmental Disabilities Council.

Improvement Act of 1999 established a new program that gives SSI and SSDI beneficiaries “vouchers” to purchase job training and rehabilitation services from public or private providers.⁴

While a review of these strategies may be helpful in articulating goals and purposes, Legal Services Agencies can look to their own traditions and training for guidance. For at least two reasons, Legal Service Agencies are more likely than health and social service agencies to understand and emphasize client empowerment in their services. First, legal training has always emphasized “rights” as opposed to “needs” or “wants”.⁵ Law schools teach prospective lawyers that their role is to represent their clients zealously. Law classes rarely focus on the concept of “empowering clients” because it is assumed that the clients have rights, that clients are interested in exercising those rights, and that after learning of these rights and the available options from the lawyer, they choose an appropriate course of action.⁶

⁴ Some advocates believe that providing vouchers is the best way to ensure that services are responsive to client needs by providing the individual with the economic clout to purchase their own services. The Presidential Task Force on Employment of Adults with Disabilities recommends redirecting all funding to support “customer controlled resources” by 2009. See “Re-Charting the Course: If Not Now, When? The Second Report of the Presidential Task Force on Employment of Adults with Disabilities Presented to the President of the United States, November 15, 1999.

⁵ For example, in a special education IEP meeting, education personnel often argue that a parent “wants” a particular service and they only have to provide what a child “needs”. A legal advocate may reframe the issues in terms of what the child has a right to under the statute. When educators have repeated the wants/needs argument to me, my sense is that it is a way to demean what the parent is saying – as if “wanting” good services for your child is somehow frivolous. Of course, the main issue is who gets to determine what the child “needs”. The 1997 reauthorization of IDEA provides that the parent is not only part of the IEP “team”, but also has a role in the initial evaluation. 20 U.S.C. s.1414 (d)(1)(B). A person with a right to something is also inherently more powerful than a person with a need. In the current idiom a “needy” person is an unflattering term. It may refer to someone who is emotionally unstable, lacks self-confidence, or has low self-esteem.

⁶ Admittedly, some of the assumptions underlying much of legal training do not apply to the legal services context. For example, the legal services client does not have the financial means to hire and fire lawyers at will, and, as noted in the beginning of the paper, legal services clients are not in a position of power or control over some basic human needs. Nonetheless, the “rights” training is an integral part of all legal education.

By contrast, traditional health and social service training has focused on professional diagnosis with a minimum amount of input from patients or clients.⁷ While current best practices in health and social service fields focus on client identification of needs, at least some of this change is the result of legal advocates making changes to federal and state legislation that funds public services. (See footnotes 1-5).

The second reason that Legal Services Agencies are better situated is the legacy they inherit from the actions of Legal Services Agencies of the sixties and seventies. This legacy includes recognition of the need to empower low-income people not by traditional lawyering, but by working with community groups. The goal was to challenge the structures and service agencies that had control over many aspects of the lives of low-income people through class action lawsuits and advocating for legislative change.⁸

The importance of this history is that it has imbued many programs with the ideals of client empowerment and the understanding that there are a variety of successful models of client centered legal services. Examining these program models can help us determine if there are fundamental program elements that are necessary, or at least most useful, for defining client-centered legal services.

In Missouri, two of these model programs have evolved in response to long standing relationships with community groups – one focuses on economic development and the other on “lasting solutions” to domestic violence. Another model program focuses on a holistic

⁷The women’s health movement of the sixties and seventies was in part a response to these traditional practices. Some of these women created training programs for medical schools to change the practices in gynecological medicine to be more respectful, informative and empowering. This included informing women that STD tests were being performed, teaching breast self-exams, getting routine sexual histories, etc. See, Introduction to Clinical Medicine Program, Gynecological Rotation, University of Iowa College of Medicine.

⁸ These particular strategies are no longer available to LSC funded programs but are in fact an important part of the history of the legal services movement.

approach to lawyering for persons with HIV/AIDS. The final model project to be discussed effectively utilizes pro bono attorneys in a nontraditional holistic manner.

The Evolutionary Model

The Lasting Solutions Program at Legal Services of Eastern Missouri (LSEM)⁹ and the Community Economic Development Unit of Legal Aid of Western Missouri (LAWMO)¹⁰ are projects that have a long history with and close ties to the communities they serve.

Before the passage of Missouri's domestic violence statute, women would come to LSEM requesting help to get "peace-bonds" against abusive partners. As this is not a particularly effective remedy for domestic violence, attorneys from LSEM drafted the Missouri Adult Abuse Act¹¹ and worked with women's groups to secure its enactment. These activities solidified the program's credibility in the growing community of women's advocacy and community groups working to prevent domestic violence.

While LSEM worked with these groups to defeat several challenges to the Act, the majority of its work involved utilizing the provisions of the Act to get Orders of Protection. This work was more of a crisis intervention model and LSEM recognized that it needed to offer a more holistic, long-term approach to domestic violence issues. It created the Lasting Solutions Program to do three things. First, it provides an array of legal services by staff attorneys or through the LSEM Volunteer Lawyer Program. Second, the Program has staff who understand domestic violence issues and provide referral to community agencies and

⁹ For more detailed information about this project contact Kayla Vaughan, Managing Attorney at Legal Services of Eastern Missouri.

¹⁰ For more detailed information about this project contact Michael Duffy, Managing Attorney at Legal Aid of Western Missouri.

¹¹ Missouri Adult Abuse Act, s.455, R.S.MO. See: Lever, Ann, "Domestic Violence Legislation for Missouri: A Proposal, St. Louis University, Law Journal, Vol. 22, No.1, p. 151-196, 1978.

services regarding safe shelter, income maintenance, housing, health care, child care, and transportation. Third, the Program provides community education about domestic violence issues.

The Program has a social worker and intake workers on staff who are highly trained regarding the law, problem-solving strategies, and community outreach. The Program helped the Family Violence Council become a nonprofit entity and provides the space for their board meetings and meetings with community, law enforcement, and service agencies. The Lasting Solutions Program recently began work with the Clinical Law programs at St. Louis University Law School and Washington University Law School along with community groups and shelters through a grant from the Department of Justice to continue to fund and expand the program.

The Community Economic Development Unit at LAWMO was created over twenty years ago with the primary goal of representing groups in trying to create systemic change in their community. Lawyers from the agency went into the low-income neighborhoods in Kansas City to talk to people about the issues that were most important to them. The main issues identified were housing and education. The Unit represents tenant groups, neighborhood associations, parent groups and other non-profit entities. Some of the work involves keeping the community groups strong by providing board training and leadership development, and by performing the legal work necessary to become nonprofit agencies.

The main work of the Unit, however, is in the area of housing. The Unit employs various strategies to create affordable and habitable housing and neighborhoods. The Unit works with neighborhood associations and community development corporations to rehabilitate or

develop new housing units. This includes all the legal work in land acquisition, financing, real estate closings, tax abatement and zoning issues.

Other attorneys work with neighborhood associations that are trying to eliminate unsafe and abandoned buildings and blighted areas from their community. This work often involves representing these groups in front of zoning or other city boards in order to get enforcement of city ordinances. As a result of new city ordinances, the Kansas City Council pays for the representation before the city boards. Neighborhood Associations in Kansas City advocated for passage of the Missouri Abandoned Housing Act.¹² This Act provides the means for attorneys from the Unit to bring lawsuits against absentee landlords when city enforcement procedures are inadequate.

As innovative as these projects are, the Unit continues to focus on changes that are important throughout the entire system and to develop programs that are responsive to current needs. For example, the Unit is undertaking new activities with respect to residential lenders through funding from a HUD grant. Much of this work involves testing to determine if there is discrimination in lending practices, filing complaints under the Fair Housing Act and the Community Reinvestment Act, and seeking settlements with lenders. This project was created in part because of the identification of changing needs in the community. The Unit works with recent immigrants to the area and their community associations. These associations raised the issue of disparate treatment by lenders. The Unit has also been involved with challenging the accessibility of housing under the Fair Housing Act.

These two model programs have evolved and enlarged their focus in response to the needs of the community they serve. Although the first program focuses on personal change and

¹² Missouri Abandoned Housing Act, s. 447.620 R.S.MO.

latter on community and systems change, they share some common strategies. Both of these programs have worked to maintain and foster their relationship with the community groups relevant to their clients. This allows the programs to understand the changing needs of each group. These community and neighborhood groups also promoted legislation that provided tools for client and community change – the Missouri Adult Abuse statute and Abandoned Property Act. These programs were able to get early, positive outcomes for their clients, solidifying their credibility in the community.

The Holistic Model

In 1991, LSEM started the AIDS Project to provide comprehensive “culturally competent” legal assistance to low-income individuals with HIV/AIDS.¹³ Individuals with HIV or AIDS face problems in addition to those associated with potential loss of income, home, and family. Individuals with severe chronic or catastrophic illness experience feelings of helplessness, the inability to make decisions and clinical depression.¹⁴ There are three main goals of the project, all of which promote the dignity, independence and unique needs of the individual. The first goal is to enable individuals with HIV/AIDS to be able to make decisions about and control their medical treatment, to control the disposition of their property, and to be part of the “permanency planning” process regarding their children. The second goal is to find a remedy for the discriminatory treatment many individuals have endured. The third goal is to obtain basic financial support through employment, insurance,

¹³ For more detailed information about this project contact Jeanne Philips-Roth, Managing Attorney at Legal Services of Eastern Missouri.

¹⁴ See also, Retkin, R., Stein, G.L., and Draimin, B.H., “Attorneys and Social Workers Collaborating in HIV Care: Breaking New Ground” 24 Fordham Urban Law Journal, 524-565, (1997).

or public benefits such as Social Security, Medicaid, TANF, and income maintenance programs.

The strategies that are employed by the AIDS Project to meet these goals embody the notion of “holistic” lawyering as client-centered practice. The first strategy is the use of an intake process that not only assesses a wide variety of legal needs, but is also designed to alert the staff and the client to potential discrimination in employment, housing and consumer credit. A second strategy has been to change the routine outreach methods in order to meet the confidentiality needs of individuals with HIV. At the urging of one of the Project’s community partners, a business card has been produced that is more discreet than a brochure and that contains the necessary information and phone numbers.

A third strategy involves the delivery of the legal services in a way that meets the special needs of these clients. For example, a beeper is often given to clients without phones so they can contact the attorney when necessary. The Project attorneys often make visits to their clients in their homes or the hospital to deal with medical emergencies or to execute wills, durable power of attorney and health care directives.

A fourth strategy used by the project is developing and maintaining relationships with community groups that provide services or advocate for individuals with HIV/AIDS. The Project not only provides community education programs in partnership with these agencies, but also incorporates their suggestions into the service delivery. (See explanation of business cards above).

The AIDS Project, like the others described in this paper, leverages resources by securing grant funding and utilizing volunteer lawyers to provide appropriate services, such as execution of wills. This model project is particularly “outcome” driven due to the

requirements of one of its funders. As a result, it uses client satisfaction questionnaires and other methodology to ensure that its work meets the reported needs of its clients.

The other holistic model utilizes pro bono attorneys and the staff from community agencies. The Pro Bono Program at Legal Services of Southern Missouri has developed trusted and collaborative relationships with many community agencies. The Pro Bono Coordinator¹⁵ began a unique project with Habitat for Humanity by finding attorneys to do real estate closings. Habitat for Humanity has a social worker on staff that works with the families that are eligible for a Habitat home. It is important to Habitat that families are able to become and remain homeowners. Habitat began to call the Pro Bono Coordinator about other issues that their social work staff identified as problems for the Habitat families – guardianships, divorces, domestic violence and debtor/creditor issues.

By finding attorneys to represent the families in these various legal contexts, the Pro Bono Coordinator helped to ensure that these families would be successful, independent homeowners. Habitat for Humanity has partnerships with other community agencies and has helped Legal Services of Southern Missouri forge relationships with these agencies, including family violence and homeless shelters. The project utilizes the elements identified in some of the other models – relationships with community groups and the expertise of social work staff – to provide holistic, client centered services in a Pro Bono program.

Conclusion

Although they serve different populations and are structured very differently, the model programs described above embody the principle of client-centered legal services. There are elements common to each program:

¹⁵ For more detailed information about this project contact Kay Murnan, Pro Bono Coordinator, Legal Services of Southern Missouri.

- Each program has an experienced, dedicated, managing attorney who provides the vision and direction for the program and sets the tone of expectation for all staff in the project.
- Each program works very closely with community groups and relies on the community group for input in developing changes to the program.
- Each program has expanded or changed direction in response to identified needs.
- Each program has leveraged additional resources in response to this needed expansion. These resources include grants from agencies other than LSC and the use of volunteer lawyers where appropriate.
- Each program has focused on long-term outcomes – either for the individual client, or for the neighborhood and community.

The long-term outcome that each model program focuses on is rarely any particular legal issue, but rather it is independence, personal autonomy, personal choice, and community health and viability. Perhaps the best way to define what we mean by client-centered legal services is to articulate what outcomes we are ultimately trying to achieve for our clients and to examine if our services are achieving those outcomes.